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Published:

— with international search report

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: A DRINK COMPOSITION AND A METHOD FOR COMPOSING A DRINK

(57) Abstract: The present invention relates to a drink composition comprising active agents, and to a method for composing a drink. Specifically, the invention is directed to a drink composition to be used during long-lasting sports activities demanding constant energy supply and intensive concentration. The drink composition of the invention is characterized in that it contains glucose, fructose, guarana, and a physiologically active amount of a pycnogenol extract. The method of the invention is characterized in that the active agents are individually selected on the basis of the characteristics of the target group, single user and/or conditions of use, said active agents having at least partly complementing actions.

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INTERNATIONAL SEARCH REPORT

International application No.

PCT/FI 03/00437

A. CLASSIFICATION OF SUBJECT MATTER

IPC7: A23L 2/52

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC7: A23L

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

SE,DK,FI,NO classes as above

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

WPI DATA, EPO-INTERNAL, CAPLUS

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	DE 19937079 A1 (VITAFODD AG), 8 February 2001 (08.02.01) --	1-15
X	WO 0105253 A1 (PROCTER & GAMBLE COMPANY), 25 January 2001 (25.01.01), claims 1,6,7 --	1-15
X	US 6224872 A (TAKASHI SHIBUYA ET AL), 1 May 2001 (01.05.01), examples 1 and 5; column 4, lines 57-59 --	1-15
X	WO 9961038 A1 (ADAMS FOOD LTD.), 2 December 1999 (02.12.99) --	1-15

☒ Further documents are listed in the continuation of Box C.☒ See patent family annex.

* Special categories of cited documents:	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"A" document defining the general state of the art which is not considered to be of particular relevance	"X" document of particular relevance: the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"E" earlier application or patent but published on or after the international filing date	"Y" document of particular relevance: the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"&" document member of the same patent family
"O" document referring to an oral disclosure, use, exhibition or other means	
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search 1 Sept 2003	Date of mailing of the international search report 03 -09- 2003
Name and mailing address of the ISA/ Swedish Patent Office Box 5055, S-102 42 STOCKHOLM Facsimile No. +46 8 666 02 86	Authorized officer Dagmar Järvman/EÖ Telephone No. +46 8 782 25 00

INTERNATIONAL SEARCH REPORT

International application No.

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C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	DE 19611827 A1 (OTTO, MICHAEL), 8 January 1998 (08.01.98) -----	1-15

Box I Observations where certain claims were found unsearchable (Continuation of Item 1 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.: **16-18, 20, 23-25**
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
see next sheet
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of Item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

International application No.
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Present claims 16-18, 20, 23-25 relate to a method for preparing a beverage comprising active components and which is used in a long period of performances which requires a good concentration to improve and hold the capacity. The claims cover all beverages comprising arbitrary active components having this property. In fact, the claim contains so many options, variables and possible permutations that a lack of clarity and conciseness within the meaning of Article 6 PCT arises to such an extent as to render a meaningful search of the claims impossible.

Furthermore, claims 16-18, 20, 23-25 relate to a method defined by reference to a desirable characteristic or property, namely "which demands a good concentration to improve and maintain the performance" and "that the active substances are chosen according to a target group, the user and/or ---so that they by common effect, at least partly, complement each other effect in an advantageous way for the user". These definitions are not comparable with prior art. Thus, the claims cover all processes with a product having this characteristic or property, whereas the application provides support within the meaning of Article 6 PCT and / or disclosure within the meaning of Article 5 PCT for only a very limited number of such processes with a product. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Independent of the above reasoning, the claims also lacks clarity (Article 6 PCT). An attempt is made to define the product and the process by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible.

Consequently, the search has been carried out for those parts of the claims which appear to be clear, namely beverages comprising glucose, fructose, guarana, taurine and flavonoids.

The applicants attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established will not be the subject of an international preliminary examination (Rule 66.1(e) PCT). This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/FI 03/00437

Patent document cited in search report			Publication date	Patent family member(s)	Publication date
DE	19937079	A1	08/02/01	NONE	
WO	0105253	A1	25/01/01	AT 237958 T AU 6107100 A BR 0012620 A CA 2375980 A CN 1390097 T DE 60002331 D EP 1196050 A,B US 6413558 B	15/05/03 05/02/01 02/04/02 25/01/01 08/01/03 00/00/00 17/04/02 02/07/02
US	6224872	A	01/05/01	CN 1212882 A DE 19834717 A JP 11100325 A	07/04/99 04/02/99 13/04/99
WO	9961038	A1	02/12/99	AU 4217499 A	13/12/99
DE	19611827	A1	08/01/98	NONE	